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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/319,626	06/09/1999	ELISABETH CROCHON	31767	3379

7590 06/23/2003
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EXAMINER

BROWN, VERNAL U

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/319,626

Applicant(s)

CROCHON ET AL.

Examiner

Vernal U Brown

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to communication filed on September 11, 2002.

Response to Arguments

Applicant's arguments filed June 10, 2003 have been fully considered but they are not persuasive.

Regarding applicant's argument concerning claim 8, Dingwall et al. teaches the identification of labels in an interrogation (page 5 lines 28-29) and inhibiting the label after identifying the label by powering down the label (page 6 lines 16-18) in order to avoid collision due to several labels transmitting at the same time. The reference of Vercellotti et al. is relied upon for teaching the identifying the label by reading the code of each label while temporarily inhibiting the other labels which are not yet identified. Vercellotti et al. teaches the interrogator isolate the tag to receive only a single response (col. 3 lines 6-15) and the fact that an isolated label is identified among a group of unidentified label by isolation of the label is effectively inhibiting other labels from responding.

Regarding claim 9, the identification confirmation step represent the conventional practice of transmitting an acknowledgement signal after successful identification of the label as evidenced by Vercellotti et al. (col. 5 lines 3-5). Vercellotti et al. teaches interrogation signal transmit to the tag is based on the tag identification number (col. 4 lines 19-25). Therefore the acknowledgement signal to the tag includes at least part of the code of the label as a means of distinguishing the label.

Regarding claim 10, the reading of the identification is accomplished by reading from most significant data or from least significant data. The limitation of claim 10 is therefore met by

Art Unit: 2635

the reading of the identification data in any direction. Applicant's claim do not suggests shifting from one direction to another after each reading.

Applicant's arguments with respect to claims 11-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dingwall et al. International Patent Publication WO 93/23767 in view of Vercellotti et al. U.S Patent 5266925.

Regarding claim 8, Dingwall et al. teaches a method for the remote identification of articles (labels) provided with distinctive code (page 5 lines 28-29) and situated in a field of an interrogation apparatus (page 2 lines 26-27), by sending and receiving signals between the interrogator and the label (page 6 line 4). The label is inhibited after the successful reading of its code (page 6 lines 16-18). Dingwall is however silent on teaching the inhibition of the labels

Art Unit: 2635

comprising the steps of prior identification adapted to reading the code of each label while temporarily inhibiting the other labels which are not yet identified. Vercellotti et al. in an art related Electronic Identification Tag Interrogation Method invention teaches an interrogator transmitting an interrogation signal requesting response from all tags having an address field greater than a given value and if one response is received the portal will address the tag directly and if more than one response is received by the interrogation, the interrogator isolate the tag to receive only a single response (col. 3 lines 6-15). The isolation of the tags as disclosed by Vercellotti et al. constitute the inhibition of the tag and when all the tags in the field have an address greater than the given value all of the tags responds to the interrogator and will be inhibited until only a single tag respond to the interrogation signal.

It would have been obvious to one of ordinary skill in the art for the inhibition of the labels to comprise the steps of prior identification adapted to a context with a single label, label identification step of identifying the label by reading the code of each label while temporarily inhibiting the other labels which are not yet identified in Dingwall et al. as evidenced by Vercellotti et al. because Dingwall et al. suggests a label is inhibited after the successful reading of its code and Vercellotti et al. teaches an interrogator transmitting an interrogation signal requesting response from all tags having an address field greater than a given value and when more than one response is received by the interrogation the interrogator isolate the tag to receive only a single response. The isolation of the tags as disclosed by Vercellotti et al. constitute the inhibition of the tag and when all the tags in the field have an address greater than the given value all of the tags responds to the interrogator and will be inhibited until only a single tag respond to the interrogation signal in order to avoid collision of the tags' response data.

Regarding claim 9, Dingwall et al. teaches a label identification step that precedes the passage of information between the interrogator and tag (page 2 lines 26-27) but is silent on teaching a confirmation step that precedes and influences the information passage step comprising the sending of a signal containing at least part of the code of the label which has just been identified. Vercellotti et al. in an art related Electronic Identification Tag Interrogation Method invention teaches a label identification confirmation step that includes the transmission of a confirmation message (col. 5 lines 3-5). Vercellotti et al. further teaches interrogation signal transmit to the tag is based on the tag identification number (col. 4 lines 19-25). Therefore the acknowledgement signal to the tag includes at least part of the code of the label as a means of distinguishing the label.

It would have been obvious to one of ordinary skill in the art to have a confirmation step that precedes and influences the information passage step comprising the sending of a signal containing at least part of the code of the label which has just been identified as evidenced by Vercellotti et al. because Dingwall et al. suggests a label identification step that precedes the passage of information between the interrogator and tag and Vercellotti et al. teaches a label identification confirmation step that includes the transmission of a confirmation message and the acknowledgement signal to the tag includes at least part of the code of the label as a means of distinguishing one label from another.

Regarding claim 10, Dingwall et al teaches an application of the Remote identification of Coded Article invention for identifying badge holders (figure 1). The badge holders in figure 1

Art Unit: 2635

are obviously entering and leaving the interrogation field in a random manner. Dingwall et al. is silent on teaching the identification step is undertaken in one code reading direction from most significant data or another code reading direction from least significant data for each of the labels. One skilled in the art recognizes that the codes are read from most significant data or from least significant data and manner chosen of reading the data is based on how the data was stored.

It would have been obvious to one of ordinary skill in the art for the identification step is undertaken in one code reading direction from most significant data or another code reading direction from least significant data for each of the labels in Dingwall et al. because Dingwall et al. suggests the reading of the code word from the label and one skilled in the art recognizes that the codes are read from most significant data or from least significant data and manner chosen of reading the data is based on how the data was stored and the choice of one method over another in reading the code from the tag has no unexpected outcome.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dingwall et al International Patent Publication WO 93/23767 in view of Kurokawa et al. U.S Patent 5864706.

Regarding claims 11-12, Dingwall et al. teaches remote identification of label by interrogation apparatus (12, 18, 19) and label (14) comprising transceivers (figure 1), means for processing information, distinctive codes stored in memory position in the label (page 6 lines 5-6) and catalog of signals shown in Table 1 (page 15) for demanding the sending of label codes. The interrogator and label both receive and transmit signals therefore they inherently comprise of transceiver. Dingwall further teaches that the code words are stored in binary form and is transmitted to the interrogator (page 10 line 25) which inherently includes the step of converting

Art Unit: 2635

analog signal to digital and digital to analog. Dingwall et al. also teaches inhibiting the inhibition of the label which has just been identified (page 6 lines 16-18) and the responds codes are in fragments as shown in figure 4A-4C. Dingwall et al. is however silent on teaching a signal catalogue comprising two signals demanding reading of the code in one direction and the other signal demanding reading in an opposite direction. One skilled in the art recognizes that the code words in Dingwall is read from the MSB to LSB or LSB to MSB. The reading of data from MSB to LSB and LSB to MSB is further evidenced by Kurokawa et al. (col. 17 lines 28-36).

It would have been obvious to one of ordinary skill in the art to have a signal catalogue in Dingwall et al. comprising two signals demanding reading of the code in one direction and the other signal demanding reading in an opposite direction because Dingwall suggests a signal catalogue comprising signal for reading the code word and one skilled in the art recognizes that the code words in Dingwall is read from the MSB to LSB or LSB to MSB. The reading of data from MSB to LSB and LSB to MSB is further evidenced by Kurokawa et al.

It would have been obvious to one of ordinary skill in the art to have a signal for demanding the label codes by fragments by fragments in Dingwall et al. as evidenced by Marsh et al. because Dingwall et al. suggests a tag transmitting a response to the interrogator and Marsh et al. teaches the response signal from the transponder (tag) to the interrogator is transmitted segment by segment so as to allow the transmission of the response signal to the interrogator in allotted time slot.

Regarding claim 12, Dingwall et al. in view of marsh et al. is silent on teaching a signal catalogue in comprising two signals demanding reading of the code in one direction and the other signal demanding reading in an opposite direction. One skilled in the art recognizes that the code words in Dingwall is read in one direction and is therefore readable in another direction.

It would have been obvious to one of ordinary skill in the art to have a signal catalogue in Dingwall et al. in view of marsh et al. comprising two signals demanding reading of the code in one direction and the other signal demanding reading in an opposite direction because Dingwall suggests a signal catalogue comprising signal for reading the code word.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Application/Control Number: 09/319,626

Page 9

Art Unit: 2635



Vernal Brown

June 17, 2003

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
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